

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SIGHT SCIENCES, INC.,)
Plaintiff,)
v.) C.A. No. 21-1317-GBW-SRF
IVANTIS, INC., ALCON RESEARCH)
LLC, ALCON VISION, LLC, and ALCON)
INC.,)
Defendants.)

**ORDER ON DEFENDANTS' MOTION TO EXCLUDE CERTAIN
OPINIONS OF MR. JOHN JAROSZ AND DR. CRAWFORD DOWNS**

Upon consideration of Defendants' Motion to Exclude Certain Opinions of Mr. John Jarosz and Dr. Crawford Downs, filed October 12, 2023, and the parties' respective submissions in support of and in opposition to Defendants' Motion, Defendants' Motion is **GRANTED**.

It is therefore **ORDERED** that the following opinions of Plaintiff's experts Mr. John Jarosz and Dr. Crawford Downs are excluded:

Expert Name	Paragraphs To Be Excluded
John Jarosz	Opinions relying on Trial Counsel's Questionnaire (Jarosz Opening Report ¶¶64, 88, 162, 226–233).
	Opinions regarding and relying on incremental costs (Jarosz Opening Report ¶¶9, 91–97, 271, Tabs 14 (lines [1], [8]–[10]); Jarosz Reply Report ¶¶56–71, 15).
	Opinions regarding and relying on Mr. Jarosz's estimation of iStent's average selling price (Jarosz Opening Report ¶¶10, 113–115, 121–125, 191, 272, Tabs 9, 14 (lines [2], [3], [8])), 16; Jarosz Reply Report ¶¶106–117).
	Opinions regarding apportionment (Jarosz Opening Report ¶¶10, 12, 113–115, 121–125, 187–189, 191, 193, 272, 274, Tabs 9, 14 (lines [2], [3], [6]–[8], [10])), 16, 19, 20; Jarosz Reply Report ¶¶102–124).
	Opinions relying on the <i>Glaukos</i> Agreement (Jarosz Opening Report ¶¶11, 128–131, 137–147, 163, 192, 273, Tabs 6, 14, 17, 21–22; Jarosz Reply Report ¶¶88–101).

Expert Name	Paragraphs To Be Excluded
Crawford Downs, M.D.	<p>Opinions regarding apportionment (Downs Opening Report ¶¶373–385. Downs Reply Report ¶¶141–149).</p> <p>Opinions analyzing the <i>Glaukos</i> Agreement (Downs Opening Report ¶¶391–408; Downs Report ¶156).</p> <p>Opinions on FDA approval processes as reflected in at least certain portions of Downs Opening Report ¶¶362–364; Downs Reply Report ¶127.</p> <p>Opinions on the PTO’s consideration of prior art references as reflected in at least certain portions of Downs Rebuttal Report ¶¶98–110.</p> <p>Opinions requiring that aqueous outflow must occur in any specific location to meet the “does not significantly block” limitation as reflected at least in certain portions of Downs Rebuttal Report ¶¶146-192, 247-279, 375-412, 464-491, 538, 542-576.</p> <p>Opinions applying new constructions to “arcuate member,” as reflected at least in certain portions of Downs Rebuttal Report ¶¶131, 134-143, 345-353, 359-62, 367, 370-72, 450-453, 459, 537.</p> <p>Opinions applying new construction to “maintain the patency,” as reflected at least in certain portions of Downs Rebuttal Report ¶¶126-29, 228-231, 339-342, 444-47, 523-26, 662-65, 699-702, 740-43, 768-69, 799-801, 870-72, 1088, 1114.</p> <p>Opinions applying new construction to “implantable circumferentially within Schlemm’s canal,” as reflected at least in certain portions of Downs Rebuttal Report ¶¶123-25.</p> <p>Opinions applying new construction to “fenestration,” as reflected at least in certain portions of Downs Rebuttal Report ¶¶159, 194, 493.</p> <p>Opinions about a “strain analysis” of an embodiment in prior-art reference Gharib (Downs Rebuttal Report ¶¶205-215).</p>

SO ORDERED this _____ day of _____, 2023

UNITED STATES DISTRICT JUDGE